

No. 99-1020

[UNPUBLISHED]

No. 99-1022

- *
- *
- *
- *

Plaintiff-Appellee,	*
	*
v.	*
	*
Forrest City, Arkansas; K. L. Wynne,	*
Dispatcher;	*
	*
Defendants,	*
	*
Southwestern Bell Telephone Company;	*
	*
Defendant-Appellant,	*
	*
Joe Goff, Chief of Police, Forrest City	*
Police Department,	*
	*
Defendant.	*

Submitted: February 7, 2000

Filed: February 11, 2000

Before LOKEN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

Sylvester Givens's estate appeals the district court's adverse grant of summary judgment in favor of Southwestern Bell Telephone Company (SWB) on the estate's negligence claim after it failed to respond to SWB's request for an admission that Givens's estate did not have any facts to support its negligence claim. After reviewing the record and the parties' briefs, we conclude summary judgment was proper. See Fed. R. Civ. P. 36(a) and (b) (matter requested is deemed admitted unless party

answers, and any matter admitted is "conclusively established" unless party files motion to withdraw or amend admission); Fed. R. Civ. P. 56(c) (summary judgment is properly granted if the admissions on file show there is no genuine issue as to any material fact).

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B. We also dismiss SWB's cross-appeal as moot.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.